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13 Adobe Systems Inc.

14 UNITED STATES DISTRICT COURT  
15  
16 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION  
17

18 IN RE: HIGH-TECH EMPLOYEE  
19 ANTITRUST LITIGATION

20 THIS DOCUMENT RELATES TO:  
21 ALL ACTIONS

22 **Master Docket No. 11-CV-2509-LHK**

23 **DECLARATION OF LIN W. KAHN**  
24 **IN SUPPORT OF DEFENDANTS'**  
25 **JOINT RESPONSE TO PLAINTIFFS'**  
26 **ADMINISTRATIVE MOTION**  
27 **PURSUANT TO LOCAL RULE 79-**  
28 **5(D) TO FILE UNDER SEAL**  
**FILINGS RELATED TO**  
**PLAINTIFFS' OPPOSITION BRIEFS**  
**AND FILINGS RE DKTS. 554, 556,**  
**557, 559, 560, 561, 564, 570**

Date Consolidated Amended Compl. Filed:  
September 13, 2011

1 I, Lin W. Kahn, declare as follows:

2 1. I am an attorney with the law firm of Jones Day, counsel for Defendant Adobe  
3 Systems Inc. ("Adobe") in the above-captioned action. I am admitted to practice law before this  
4 Court. I submit this declaration in support of Defendants' Joint Response to Plaintiffs'  
5 Administrative Motion to File Under Seal Filings Related to Plaintiffs' Opposition Briefs and  
6 Filings Re Dkts. 554, 556, 557, 559, 560, 561, 564, 570. As an attorney involved in the defense  
7 of this action, unless otherwise stated, I have personal knowledge of the facts stated in this  
8 declaration and if called as a witness, I could and would competently testify to them.

9 2. I have reviewed Plaintiffs' Consolidated Opposition To Defendants' Joint And  
10 Individual Motions For Summary Judgment, the Declaration of Dean M. Harvey in Support of  
11 Plaintiffs' Opposition Briefs Re Dkts. 554, 556, 557, 559, 560, 561 564, 570, and the Declaration  
12 of Lisa J. Cisneros in Support of Plaintiffs' Opposition Briefs Re Dkts. 554, 556, 557, 559, 560,  
13 561, 564, 570 and supporting exhibits.

14 3. As described below, the information requested to be sealed contains or  
15 summarizes Adobe's compensation and recruiting data, practices, strategies and policies. Adobe  
16 has designated this information as "CONFIDENTIAL – ATTORNEYS' EYES ONLY" pursuant  
17 to the Protective Order in this case. (ECF No. 107).

18 4. The October 9, 2012 Declaration of Donna Morris In Support of Defendants' Joint  
19 Response to Plaintiffs' Administrative Motion to File Under Seal (ECF No. 196) ("10/9/2012  
20 Morris Decl."), the January 9, 2014 Declaration of Jeff Vijungco in Support of Motion to Seal  
21 (ECF No. 578), and the Declaration of Rosemary Arriada-Keiper in Support of Motion to Seal  
22 (ECF No. 579) establish that Adobe's compensation data, practices, strategies and policies, as  
23 well as its recruiting data, practices, strategies and policies (such as the information sought to be  
24 redacted below), are confidential and commercially sensitive. As stated in these declarations, it  
25 is Adobe's practice to keep such information confidential, for internal use only, and not to  
26 disclose them to the public.

27 5. Moreover, these declarations establish that the public disclosure of this  
28 information would harm Adobe, including potentially impairing its competitive position in

1 recruiting, hiring, and compensating employees. Ms. Morris, Mr. Vijungco, and Ms. Arriada-  
2 Keiper declared that Adobe derives independent economic value from keeping its compensation  
3 data and compensation, recruiting and hiring practices, strategies, and policies confidential,  
4 including keeping it from other persons and entities who could obtain economic value from its  
5 disclosure or use.

6 6. Furthermore, as stated in the above declarations, the public disclosure of this  
7 information, created for internal use, would give third-parties insights into confidential and  
8 sensitive aspects of Adobe's operations and deprive Adobe of its investment in developing these  
9 practices, strategies, and policies. These declarations further establish that such disclosure would  
10 give other entities an unearned advantage by giving them the benefit of knowing how Adobe  
11 compensates employees and Adobe's compensation, recruiting, and hiring practices, strategies,  
12 and policies.

13 7. In addition to the above, Adobe's declarations filed in support of the Opposition to  
14 Plaintiffs' Motion for Class Certification also establish the confidentiality of Adobe's  
15 compensation and recruiting data, practices, strategies and policies. In particular, the Declaration  
16 of Donna Morris of Adobe Systems Inc. in Support of the Opposition to Plaintiffs' Motion for  
17 Class Certification (ECF No. 215, Exhibit 14) ("11/9/2012 Morris Decl."), paragraph 3,  
18 establishes that Adobe's salary and compensation data, policies and strategies are confidential and  
19 that public dissemination of that information could cause Adobe competitive harm. The  
20 Declaration of Jeff Vijungco of Adobe Systems Inc. in Support of the Opposition to Plaintiffs'  
21 Motion for Class Certification (ECF No. 215, Exhibit 15) ("Vijungco Decl."), paragraph 3,  
22 similarly establishes that Adobe's recruiting and hiring data, policies and strategies are  
23 confidential and that public dissemination of that information could cause Adobe competitive  
24 harm. Specifically, Adobe seeks to keep the redacted portions of the following portions of the  
25 exhibits to the Declaration of Dean M. Harvey in Support of Plaintiffs' Opposition Briefs Re  
26 Dkts. 554, 556, 557, 559, 560, 561 564, 570 and the Declaration of Lisa J. Cisneros in Support of  
27 Plaintiffs' Opposition Briefs Re Dkts. 554, 556, 557, 559, 560, 561, 564, 570 under seal:  
28

**Harvey Exhibit 6, May 10, 2013 Expert Report of Edward Leamer, Ph.D.**

8. Adobe previously sought to file under seal redacted portions of this document. A ruling on these sealing requests is pending. As stated previously, Adobe seeks to seal the following portions of the May 10, 2013 Expert Report of Edward Leamer, Ph.D. (*see* ECF No. 429):

- Page 23, Figure 13 contains confidential information about Adobe's average compensation. This is confidential employee salary and other compensation information that pertain to Adobe's compensation methods, strategies, practices, and data.
- Page 27, Figures 15 and 16 contain confidential information about Adobe's average compensation. This is confidential employee salary and other compensation information that pertain to Adobe's compensation methods, strategies, practices, and data.
- The redacted portions of Figure 17, Figure 18, and pages 27-28 contain confidential information regarding Adobe's job titles, corresponding headcount, and age.
- Page 31, Figure 19 contains confidential information about Adobe's average total compensation. This is confidential employee salary and other compensation information that pertain to Adobe's compensation methods, strategies, practices, and data.
- Exhibit 1 contains confidential Adobe information about specific job titles. This is confidential information that pertains to Adobe's employee management practices.

**Harvey Exhibit 7, May 10, 2013 Expert Report of Kevin Hallock, Ph.D.**

9. Adobe previously sought to file under seal redacted portions of this document. A ruling on these sealing requests is pending. As stated previously, Adobe seeks to seal the following portions of the 10, 2013 Expert Report of Kevin Hallock, Ph.D. (*see* ECF No. 429):

- Page 16, paragraph 47 16 contains confidential information about Adobe's compensation practices and processes, specifically with respect to its salary

1 ranges.

- 2 • Page 16, paragraph 48 contains confidential information about Adobe's
- 3 compensation practices and processes, specifically with respect to its salary
- 4 ranges.
- 5 • Page 17, paragraph 50 contains confidential information about Adobe's
- 6 compensation practices and processes, specifically with respect to its annual
- 7 compensation review process.
- 8 • Page 33, paragraph 112 contains confidential information about Adobe's
- 9 compensation practices and processes, specifically with respect to its counter offer
- 10 policy.
- 11 • Page 34, paragraph 113 contains personally identifiable information. This
- 12 information is confidential and private because the employee has not sought to
- 13 have his identity placed in the public record.
- 14 • Page 34, paragraph 114 contains confidential information about Adobe's
- 15 compensation practices and processes, specifically with respect to its stock grants.
- 16 • Page 34, paragraph 115 contains the identity and compensation of an Adobe
- 17 employee. This information is confidential and private because the employee has
- 18 not sought to have his identity and compensation placed in the public record.
- 19 • Page 35, paragraph 116 contains the identity of Adobe employees. This
- 20 information is confidential and private because the employees have not sought to
- 21 have their identities placed in the public record.
- 22 • Page 55, paragraph 184 contains confidential information about Adobe's
- 23 compensation practices, policies, and strategies. This includes confidential
- 24 information contained in Figure 13, discussed below.
- 25 • Page 55 to 56, paragraph 186 contains confidential information about Adobe's
- 26 compensation practices, policies, and strategies. This includes confidential
- 27 information contained in Figures 13 and 15, discussed below.
- 28 • Figure 13 contains confidential information about Adobe's compensation

practices, policies, and strategies.

- Figure 15 contains confidential information about Adobe's compensation practices, policies, and strategies.

**Harvey Exhibit 8, July 12, 2013 Rebuttal Supplemental Expert Report of Edward Leamer, Ph.D.**

10. Adobe previously sought to file under seal redacted portions of this document. A ruling on these sealing requests is pending. As stated previously, Adobe seeks to seal the following portions of the July 12, 2013 Rebuttal Supplemental Expert Report of Edward Leamer (*see* ECF No. 463):

- Page 34, Figure 6 contains confidential information about Adobe's compensation data. This is confidential internal information that directly relates to Adobe's compensation strategies and practices.

**Harvey Exhibit 10, October 28, 2013 Merits Expert Report of Kevin Hallock, Ph.D.**

11. Page 12, paragraphs 35 to 36 contain confidential information about Adobe compensation policies, procedures, and strategies, including how Adobe determines employee compensation.

12. Page 13, paragraph 38 contains confidential information about Adobe compensation policies, procedures, and strategies, including how Adobe determines employee compensation.

13. Page 29, paragraph 100 contains confidential information about Adobe compensation policies, procedures, and strategies, including how Adobe addresses employee retention.

14. Page 30, paragraph 101 contains personally identifying information.

15. Page 30, paragraph 102 contains confidential information about Adobe compensation policies, procedures, and strategies, including how Adobe determines employee compensation.

16. Page 30, paragraph 103 contains personally identifying information and confidential information about Adobe compensation policies, procedures, and strategies,

1 including how Adobe determines employee compensation.

2 17. Page 31, paragraph 104 contains personally identifying information.

3 18. Pages 51 to 52, paragraph 174 contains confidential information about Adobe  
4 compensation policies, procedures, and strategies, including how Adobe determines employee  
5 merit compensation increases.

6 19. Page 105, Figure 8 contains confidential information about Adobe compensation  
7 policies, procedures, and strategies, including how Adobe determines employee merit  
8 compensation increases.

9 20. Page 107, Figure 10 contains confidential information about Adobe compensation  
10 policies, procedures, and strategies, including how Adobe determines employee merit  
11 compensation increases.

12 **Harvey Exhibit 11, October 28, 2013 Merits Expert Report of Alan Manning, Ph.D**

13 21. Pages 23 to 24, paragraph 69 contains confidential information about Adobe  
14 compensation policies, procedures, and strategies, including how Adobe determines employee  
15 merit compensation increases.

16 **Harvey Exhibit 13, December 11, 2013 Merits Reply Expert Report of Edward Leamer,**  
17 **Ph.D.**

18 22. Adobe previously sought to file under seal redacted portions of this document. A  
19 ruling on these sealing requests is pending. As stated previously, Adobe seeks to seal the  
20 following portions of the December 11, 2013 Merits Reply Expert Report of Edward Leamer,  
21 Ph.D. (*see* ECF No. 579):

- 22 • Page 22, Figure 6 reveals confidential information about the annual distribution of
- 23 compensation by year.
- 24 • Pages 23 to 24, paragraph 42 and Figure 7 contain confidential Adobe information related
- 25 to Adobe's acquisition of Macromedia and compensation for Macromedia employees as
- 26 compared to Adobe employees and Adobe salary ranges.
- 27 • Page 44, Figure 14 reveals confidential Adobe compensation information about the
- 28 average compensation of Adobe Technical Class members.

- Pages 76 to 77, Appendix A contains confidential Adobe compensation information, including the salary range for a specific job title, the age of employees in that title, and salary for specific individuals.

**Harvey Exhibit 14, October 28, 2013 Merits Expert Report of Alan Manning, Ph.D**

23. Exhibit 3 reveals confidential information about the number of employees at Adobe in a specific position.

**Harvey Exhibit 23, November 25, 2013 Expert Report of Elizabeth Becker, Ph.D.**

24. Adobe previously sought to file under seal redacted portions of this document. A ruling on these sealing requests is pending. As stated previously, Adobe seeks to seal the following portions of the November 25, 2013 Expert Report of Elizabeth Becker, Ph.D. (*see* ECF No. 579):

- Page 7, the first bullet point of paragraph 26 contains confidential information about Adobe's strategy, policies, and practices, specifically the factors considered when making individual compensation decisions.
- Redacted portions of paragraph 35 on page 10; footnotes 32, 34, and 35 on page 10; and footnote 38 on page 11 contain confidential information regarding Adobe's compensation structure and the methods used in creating those structures.
- Redacted portions of paragraphs 43 to 44 on page 12 contains confidential information regarding guidelines provided to managers when making individual compensation decisions.
- Redacted portions of paragraphs 71 to 76, 78 to 80 on pages 19 to 22 and footnote 64 on page 21 contain confidential information regarding Adobe's compensation structure, individual compensation within that structure (including information based on confidential compensation data), as well as personal confidential compensation information regarding the named plaintiffs who worked at Adobe.
- Redacted portions of paragraph 101 on pages 26 to 27 contain confidential information regarding the numerous components of Adobe's compensation.
- Redacted portions of paragraph 110 on page 28 contains confidential information



1 regarding the comparison between base salary pay and equity pay.

- 2 • Redacted portions of paragraphs 111 and 116 on pages 29 and 30 contain confidential
- 3 compensation information regarding the named plaintiffs who worked at Adobe.
- 4 • Redacted portions of paragraph 120 on page 32 contain confidential compensation
- 5 information derived from Adobe's equity compensation data.
- 6 • Redacted portions of paragraph 121 on page 32 contain confidential information regarding
- 7 Adobe's departments and job titles.
- 8 • Redacted portions of footnote 96 on page 25 contain confidential information regarding
- 9 Adobe's compensation practices and policies on how managers make individual
- 10 compensation decisions.
- 11 • Redacted portions of paragraph 135 on page 36 contain confidential information regarding
- 12 Adobe's compensation practice and policy.
- 13 • Redacted portions of paragraph 139 on page 37 contain confidential information derived
- 14 from Adobe's hiring/recruiting data and reveals confidential information regarding
- 15 Adobe's recruiting and hiring practices.
- 16 • Redacted portions of paragraph 149 and footnote 111 on page 39 contain confidential
- 17 information regarding Adobe's compensation strategies, policies, and practices with
- 18 respect to the use of market data and how managers make individual compensation
- 19 decisions.
- 20 • Attachment 3 to the Becker report, pages 1 through 12 contain specific compensation
- 21 information for each job title at Adobe.
- 22 • Exhibit A7, Appendix A7, and Appendix A8 to the Becker report contain specific
- 23 compensation information for certain job titles at Adobe.
- 24 • Exhibit A9 and Appendix A9 contain confidential information regarding the number of
- 25 employees in each Adobe job code, revealing confidential internal personnel information.
- 26 • Exhibit A10 and A11, and Appendix A10 and A11 contain confidential information
- 27 regarding the base salary ranges per year, for specific Adobe job titles.
- 28 • Exhibit B3 and Appendix B3 contain confidential information regarding the ratio of

equity grants relative to base salary for Adobe employees.

- Exhibit C1 and Appendix C1 contain confidential information regarding the average equity grants awarded by Adobe by year.
- Exhibit C2 and Appendix C2 contain confidential information regarding equity grants awarded to certain employees at Adobe.
- Exhibit D2 and Appendix D2 contain confidential recruiting/hiring data regarding retention of employees, new hires, and departures.
- Appendix E3 contains confidential information regarding Adobe's average annual wage, derived from Adobe's confidential compensation data.

**Harvey Exhibit 24, November 25, 2013 Expert Report of David Lewin, Ph.D.**

25. Adobe previously sought to file under seal redacted portions of this document. A ruling on these sealing requests is pending. As stated previously, Adobe seeks to seal the following portions of the November 25, 2013 Expert Report of David Lewin, Ph.D. (*see* ECF No. 579):

- Page 2, heading VI.C contains personally identifying information.
- Page 15, portions of paragraph 28 contain confidential information about the structure of Adobe's recruiting organization. This is confidential internal information that directly relates to Adobe's recruiting and hiring strategies and practices.
- Page 15, Figure 1 contains confidential information about Adobe's hiring trends. This is confidential internal information that directly relates to Adobe's recruiting and hiring methods, strategies, practices and data.
- Page 16, portions of paragraph 30 contain confidential information about channels through which Adobe recruits and hires employees. This is confidential internal information that directly relates to Adobe's recruiting and hiring methods, strategies, practices and data.
- Page 19 to 20, Figures 2 and 3 contain confidential information about Adobe's hiring trends. This is confidential internal information that directly relates to Adobe's recruiting and hiring methods, strategies, practices and data.

- 1 • Pages 30 to 31, portions of paragraph 51 contain confidential about Adobe's job titles.  
2 This is confidential internal information that directly relates to Adobe's compensation  
3 methods, strategies, practices and data.
- 4 • Page 31 to 34, Figures 4 to 8 and paragraph 52 contain confidential information about  
5 Adobe's compensation of a certain category of employees over time. This is confidential  
6 internal information that directly relates to Adobe's compensation methods, strategies,  
7 practices and data.
- 8 • Pages 34 to 36, heading VI.C, portions of paragraphs 53 to 55, the title of Table 1,  
9 footnotes 57 to 58, and the title of Figure 9 contain personally identifying information.
- 10 • Page 34, footnote 52 contains confidential information about Adobe's compensation of  
11 certain categories of employees over time. This is confidential internal information that  
12 directly relates to Adobe's compensation methods, strategies, practices and data.
- 13 • Page 35, Table 1 contains confidential information about an Adobe employee's  
14 compensation over time. This is confidential internal information that directly relates to  
15 Adobe's compensation methods, strategies, practices and data.
- 16 • Pages 35 to 37, footnotes 57 to 58, Figure 9, and portion of paragraph 55 contain  
17 confidential information about Adobe's compensation of a certain category of employees  
18 over time. This is confidential internal information that directly relates to Adobe's  
19 compensation methods, strategies, practices and data.
- 20 • Page 38, the title of Table 2 contains personally identifying information.
- 21 • Page 38, Table 2 contains confidential information about the movement of Adobe  
22 employees between job titles over time. This is confidential internal information that  
23 directly relates to Adobe's compensation, recruiting and hiring methods, strategies,  
24 practices and data.
- 25 • Page 39 to 40, portion of paragraph 57 and Figure 10 contain confidential information  
26 about Adobe's average compensation and the distribution of new hire compensation. This  
27 is confidential internal information that directly relates to Adobe's compensation methods,  
28 strategies, practices and data.

- 1 • Page 41 to 44, portions of paragraph 59.i, 59.iii to 59.vi, and footnotes 64, 70, 74, and 81

2 contain confidential information about changes to Adobe's compensation policies and

3 practices. This is confidential internal information that directly relates to Adobe's

4 compensation methods, strategies, practices and data.
- 5 • Page 50, footnote 107 contains personally identifying information.
- 6 • Pages 51 to 55, portions of paragraphs 71, 72, and 74, footnote 114, and Figure 11 contain

7 confidential information about components of Adobe's employee compensation. This is

8 confidential internal information that directly relates to Adobe's compensation methods,

9 strategies, practices and data.
- 10 • Page 59 to 60, portions of paragraphs 83 and 84 contain confidential information about

11 Adobe employee compensation. This is confidential internal information that directly

12 relates to Adobe's compensation methods, strategies, practices and data.
- 13 • Page 60, Table 3 contains confidential information about Adobe employee compensation

14 and job titles. This is confidential internal information that directly relates to Adobe's

15 compensation methods, strategies, practices and data.
- 16 • Exhibits 3A, 3C, 4A, and 5A contain confidential information about Adobe candidate

17 sources. This is confidential internal information that directly relates to Adobe's

18 recruiting and hiring methods, strategies, practices and data.
- 19 • Exhibits 6A, 6B, 6C, 6D, and 6E contain confidential information about Adobe's hiring

20 trend data. This is confidential internal information that directly relates to Adobe's

21 recruiting and hiring methods, strategies, practices and data.
- 22 • Exhibits 9A, 9B, 9C, 9D, 9E, 10A, 10B, 10C, 10D, and 10E contain confidential

23 information about Adobe's compensation trends by job title over time. This is

24 confidential internal information that directly relates to Adobe's compensation methods,

25 strategies, practices and data.
- 26 • Exhibits 11A, 11B, 11C, 11D, and 11E contain confidential information about Adobe's

27 compensation of certain categories of employees over time. This is confidential internal

28 information that directly relates to Adobe's compensation methods, strategies, practices

1 and data.

- 2 • Exhibit 12 contains confidential information about Adobe's average compensation. This
- 3 is confidential internal information that directly relates to Adobe's compensation methods,
- 4 strategies, practices and data.
- 5 • Appendix 1 contains confidential information about changes to Adobe's compensation
- 6 policies and practices. This is confidential internal information that directly relates to
- 7 Adobe's compensation methods, strategies, practices and data.
- 8 • Appendix 4 contains confidential information about Adobe job titles. This is confidential
- 9 internal information that directly relates to Adobe's compensation methods, strategies,
- 10 practices and data.

11

12 **Harvey Exhibit 25, November 25, 2013 Expert Report of Kevin Murphy, Ph.D.**

13 26. Adobe previously sought to file under seal redacted portions of this document. A

14 ruling on these sealing requests is pending. As stated previously, Adobe seeks to seal the

15 following portions of the November 25, 2013 Expert Report of Kevin Murphy, Ph.D. (*see* ECF

16 No. 579):

- 17 • Appendix C-1 and Appendix D-1 contain confidential information about Adobe's
- 18 recruiting and hiring trends. This is confidential internal information that directly relates
- 19 to Adobe's recruiting and hiring methods, strategies, practices and data.
- 20 • Appendix E is the November 12, 2012 Expert Report of Professor Kevin M. Murphy.
- 21 Adobe previously sought to file under seal redacted portions of the November 12, 2012
- 22 Murphy Report, which the Court granted in its order on September 30, 2013 (ECF No.
- 23 509).
- 24 • Appendix F is the June 21, 2013 Supplemental Expert Report of Professor Kevin M.
- 25 Murphy. Adobe previously sought to file under seal redacted portions of the June 21,
- 26 2013 Murphy Report. A ruling on these sealing requests is pending. As stated previously,
- 27 Adobe seeks to seal the following portions of the June 21, 2013 Murphy Report (*see* ECF
- 28 No. 446):

- Redacted portions of paragraph 15, page 5 contain confidential information about Adobe's job title information and associated compensation data. This is confidential internal information that directly relates to Adobe's compensation strategies and practices.
- Redacted portions of Exhibit 1 contains confidential information about Adobe's job title information and associated compensation data. This is confidential internal information that directly relates to Adobe's compensation strategies and practices.
- Redacted portions of Exhibit 2 contain confidential information about Adobe's job title information and associated compensation data. This is confidential internal information that directly relates to Adobe's compensation strategies and practices.
- Redacted portions of Appendix B contains confidential information about Adobe's job titles. This is confidential Adobe information that pertains to Adobe's compensation and employee management practices.

**Harvey Exhibit 26, December 6, 2013 Expert Report of Edward Snyder, Ph.D.**

27. Adobe previously sought to file under seal redacted portions of this document. A ruling on these sealing requests is pending. As stated previously, Adobe seeks to seal the following portions of the December 6, 2013 Expert Report of Edward Snyder, Ph.D. (*see* ECF No. 579):

- Redacted portion of paragraph 38 and footnote 15 on page 18 contains confidential information regarding Adobe's recruiting and hiring strategies and practices.

**Harvey Exhibit 27, November 25, 2013 Expert Report of Lauren Stiroh Ph.D.**

28. Adobe previously sought to file under seal redacted portions of this document. A ruling on these sealing requests is pending. As stated previously, Adobe seeks to seal the following portions of the November 25, 2013 Expert Report of Lauren Stiroh Ph.D. (*see* ECF No. 577):

- Paragraphs 20 to 28 contains confidential Adobe compensation information, including types of compensation Adobe provides employees, how Adobe differentiates employee

1 compensation, and criteria and processes Adobe uses to determine employee  
2 compensation.

- 3 • Paragraphs 193 and 201 contain confidential information regarding specific components  
4 of Adobe's compensation package.
- 5 • Exhibits III.3-8 contains confidential information regarding the average compensation for  
6 Technical Class members and the average for the various components of Adobe's  
7 compensation package.
- 8 • Exhibit IV.1 contains confidential information regarding Adobe's hiring and recruiting  
9 data and the confidential records regarding previous employers;
- 10 • Exhibit IV.10, Exhibit IV.14, Exhibit IV.24, and Exhibit IV.29 contain confidential  
11 compensation information for specific individuals, identified by job title, gender, tenure,  
12 and age.
- 13 • Exhibit IV.15 contains confidential information about Adobe's job titles and number of  
14 employees for each specific job title.

15 **Harvey Exhibit 34, ADOBE 002764**

16 29. Redacted portions of Exhibit 34 contain personal identifying information.

17 **Harvey Exhibit 35, ADOBE 004964**

18 30. Redacted portions of pages 3, 6, and 8 of Exhibit 35 contain confidential  
19 information derived from Adobe's hiring/recruiting data and reveals confidential information  
20 regarding Adobe's recruiting and hiring practices.

21 **Harvey Exhibit 37, ADOBE 005950**

22 31. Redacted portions of pages 2 to 7 and 17 to 18 of Exhibit 37 contain confidential  
23 Adobe recruiting and hiring information, and contain confidential information regarding Adobe's  
24 recruiting and hiring practices.

25 **Harvey Exhibit 41, ADOBE 008098**

26 32. Redacted portions of Exhibit 41 contain confidential Adobe compensation  
27 information, which pertains to Adobe's compensation methods, strategies, practices, and data.  
28

**Harvey Exhibit 42, ADOBE 008398**

33. Redacted portions of Exhibit 42 contain personally identifying information and confidential Adobe compensation information, which pertains to Adobe's compensation methods, strategies, practices, and data.

**Harvey Exhibit 43, ADOBE 008692**

34. Redacted portions of Exhibit 43 contain confidential Adobe compensation information, which pertains to Adobe's compensation methods, strategies, practices, and data.

**Harvey Exhibit 44, ADOBE 015864**

35. Redacted portions of Exhibit 44 contain confidential Adobe recruiting and hiring information, and contains confidential information regarding Adobe's recruiting and hiring practices

**Harvey Exhibit 45, ADOBE 016608**

36. Redacted portions of Exhibit 45 contain confidential Adobe benefit and compensation information, which pertains to Adobe's compensation methods, strategies, and practices.

**Harvey Exhibit 189, Adobe Systems Inc.'s Responses to Plaintiffs First Set of Interrogatories Re: Identification of Witnesses, dated March 12, 2012**

37. Redacted portions of Exhibit 189 pages 6:3-4; 7:26-27; 8:4-5, 8-9; 9:5-13; 10:4-5, 14-15, 25-27; 11:12-13, 22-23; 12:6-7, 13-14, 21-22, 25-26; 13:15-16, 22-23, 26, 27; 14:6-7, 12-13, 16-17, 20-21, 25-26; 16:19-20; 18:23-24; 19:29-20:3; 20:14-15 contain personally identifying information.

**Cisneros Exhibit A, Bruce Chizen March 15, 2013 Deposition Excerpts**

38. Redacted portions of Exhibit A pages 93:21-22; 95:20-96:1; 96:10-11; 97:16-18 contain confidential information about Adobe's compensation and recruiting practices, strategies and policies.



**Cisneros Exhibit B, Digby Horner March 1, 2013 Deposition Excerpts**

39. Redacted portions of Exhibit B pages 199:10-11; 200:1-11, 200:14; 201:9, 201:12 contain confidential Adobe information about Adobe's average compensation ranges and compensation structure, as well as personally identifying information.

**Cisneros Exhibit C, Rosemary Arriada-Keiper March 28, 2013 Deposition Excerpts**

40. Redacted portions of Exhibit C pages 18:15-19:11; 19:20-20:9; 20:12-21:7; 21:20-22:22; 23:4-21; 23:24-25; 24:2-25:6; 66:1-10; 66:13-17; 67:2-7; 68:7-21; 69:2-11; 69:15-24; 70:25-71:2; 71:19-20; 78:25-79:16; 88:13-89:10; 95:7-18; 97:7-15; 111:16-21; 112:5-16; 112:22-113:12; 116:5-8; 125:17-24; 138:22-23; 139:5-10; 140:22-25; 141:5-6; 141:12; 142:16-18; 147:6-19; 147:23-148:1; 148:3-15; 149:15-20; 150:5-6; 150:9-10; 154:13-155:2; 159:14-16; 161:18-21; 162:1-14; 162:18-21; 163:23-165:25; 169:6-170:16; 170:18-22; 170:24-171:22; 172:12-15; 188:1-7; 189:13-20; 192:6-19; 192:23-25; 198:9-199:11; 201:1-4; 204:1-3; 204:6-23; 205:9-206:5; 207:2-208:5; 208:23-209:16; 215:2-5; 215:8-23; 216:16-20; 217:7-12; 217:14-15; 217:17-18; 217:21-23; 220:3-15; 220:18-19; 220:22-221:7 contain confidential information regarding Adobe's compensation practices, strategies and policies.

**Cisneros Exhibit D, Donna Morris August 21, 2012 Deposition Excerpts**

41. Redacted portions of Exhibit D pages 57:6-58:23; 108:18-20; 140:1; 140:9-13; 140:17-18; 140:23; 141:1; 141:21; 142:3-4; 142:8-11; 143:2-4; 143:11; 143:15; 143:19-22; 143:25; 154:8-25; 155:7-18; 156:2-13 contain confidential information about Adobe's recruitment strategies, policies and procedures and its policies and practices for setting compensation.

**Cisneros Exhibit F, Debbie Streeter April 5, 2013 Deposition Excerpts**

42. Redacted portions of Exhibit F pages 57:20-21; 74:24-75:1; 75:14-17; 75:21-76:6; 76:17-77:2; 77:19-20; 77:22-24; 84:11-85:1; 86:5; 92:19-93:1; 109:13-18; 110:15-111:2; 117:21-23; 124:2-6; 124:19-125:13; 126:14-15; 126:17-18; 140:22-23; 141:20-25; 147:2-23; 267:25-268:24; 293:1; 293:6-8; 293:10-13 contain confidential information about Adobe's strategies, policies and procedures for setting compensation.

**Cisneros Exhibit PPP, Kevin Hallock June 7, 2013 Deposition Excerpts**

43. Redacted portions of Exhibit PPP pages 87:9; 87:11; 87:13; 87:21; 177:18; 178:8; 178:13-14; 178:17; 184:10; 192:13; 192:16; 193:25; 203:4; 203:9; 203:12; 239:15; 243:2 contain confidential compensation data and personally identifying information.

**Cisneros Exhibit 210, ADOBE 000611**

44. Redacted portions of Exhibit 210 contains confidential information regarding Adobe's recruiting practices, policies, and strategies. This includes confidential recruiting and hiring data as well as recruiting analyses.

**Cisneros Exhibit 211, ADOBE 012372**

45. Redacted portions of Exhibit 211 at 211.2-3 contain confidential Adobe recruiting and hiring information, and reveals confidential information regarding Adobe's recruiting and hiring practices and data.

**Cisneros Exhibit 212, ADOBE 002773**

46. Redacted portions of Exhibit 212 at 212.4, 212.7-13 contain confidential Adobe recruiting and hiring practices, procedures, and strategies, and reveals confidential information regarding Adobe's recruiting and hiring data.

**Cisneros Exhibit 214, ADOBE 008047**

47. Redacted portions of Exhibit 214 at 214.1-3 contain confidential Adobe compensation information, which pertains to Adobe's compensation methods, strategies, practices, and data.

**Cisneros Exhibit 216, ADOBE 050720**

48. Redacted portions of Exhibit 216 at 216.3-5 contain confidential information regarding Adobe's recruiting, retention, and compensation practices, policies, and strategies.

**Cisneros Exhibit 300, Adobe 013837**

49. Redacted portions of Exhibit 300 at 300.2 contain confidential information regarding Adobe's compensation practices and strategies.

**Cisneros Exhibit 303, Adobe 052404**

50. Redacted portions of Exhibit 303 at 303.6-15, 303.17-18, 303.20-27, 303.29-40 contain confidential Adobe recruiting and hiring strategies and data.

**Cisneros Exhibit 416, Declaration of Donna Morris of Adobe Systems Inc. In Support of Defendants Opposition to Plaintiffs' Motion for Class Certification**

51. Redacted portions of Exhibit 416 ¶¶ 4-8.b, at 416.2-4; ¶¶ 10-26, at 416.4-8; ¶¶ 28-36, at 416.9-11 contain confidential information regarding Adobe's compensation practices, policies, and strategies. Paragraph 3 of Exhibit 416 specifically sets forth the confidentiality of this information. The Court granted these redactions on September 30, 2013 (Dkt. 509).

**Cisneros Exhibit 1158, ADOBE 005661**

52. Redacted portions of Exhibit 1158 contain confidential information regarding Adobe's compensation practices, policies, and strategies. This includes an analysis of an Adobe employee's compensation, which is confidential and private because the employee has not sought to have his name and compensation placed in the public record.

**Cisneros Exhibit 1159, ADOBE 019278**

53. Redacted portions of Exhibit 1159 contain confidential information regarding Adobe's compensation practices, policies, and strategies. This includes an analysis of Adobe employees' compensation, which is confidential and private because these employees have not sought to have their names and compensation placed in the public record.

**Cisneros Exhibit 1160, ADOBE 009652**

54. Redacted portions of Exhibit 1160 contain confidential information regarding Adobe's compensation practices, policies, and strategies. This includes an analysis of an Adobe employee's compensation, which is confidential and private because the employee has not sought to have his name and compensation placed in the public record.

**Cisneros Exhibit 1250, ADOBE 011976**

55. Redacted portions of Exhibit 1250 at 1250.1-3 contain confidential information regarding Adobe's compensation practices, policies, and strategies. This includes an analysis of an Adobe employee's compensation, which is confidential and private because the employee has

1 not sought to have his name and compensation placed in the public record.

2 **Cisneros Exhibit 2486, Declaration of Donna Morris of Adobe Systems Inc. In Support of**  
 3 **Defendants Opposition to Plaintiffs' Motion for Class Certification**

4 56. Redacted portions of Exhibit 2486 ¶¶ 4-8.b, at 2486.3-5; ¶¶ 10-26, at 2486.5-9; ¶¶  
 5 28-36, at 2486.10-12; 2486.17-18; 2486.20-23; 2486.28-41; 2486.47; 2486.50-52; 2486.54-69;  
 6 2486.74; 2486.76-77; 2486.80-81; 2486.83-89; 2486.91-99; 2486.111; 2486.113-122; 2486.131-  
 7 142; 2486.144; 2486.147; 2486.148-151; 2486.153-156 contain confidential information  
 8 regarding Adobe's compensation practices, policies, and strategies. Paragraph 3 of Exhibit 2486  
 9 specifically sets forth the confidentiality of this information. The Court granted these redactions  
 10 on September 30, 2013 (Dkt. 509).

11 **Cisneros Exhibit 2487, ADOBE 100600**

12 57. Redacted portions of Exhibit 2487 at 2487.4-9, 2487.11-15, 2487.17-23 contain  
 13 confidential information regarding Adobe's compensation practices, policies, and strategies. This  
 14 includes detailed information regarding Adobe's annual performance review process.

15 **Cisneros Exhibit 2501, ADOBE 009425**

16 58. Redacted portions of Exhibit 2501 at 2501.1 contain confidential information  
 17 regarding Adobe's compensation practices, policies, and strategies. This includes an analysis of  
 18 Adobe employees' compensation, which is confidential and private because these employees  
 19 have not sought to have their names and compensation placed in the public record.

20 **Cisneros Exhibit 2800, ADOBE 068264**

21 59. Redacted portions of Exhibit 2800 at 2800.2 contain confidential information  
 22 regarding Adobe's compensation practices, policies, and strategies.

23 **Cisneros Exhibit 2812, ADOBE 059513**

24 60. Redacted portion of Exhibit 2812 at 2812.1 contains personally identifying  
 25 information.

26 **Cisneros Exhibit 2823, ADOBE 025894**

27 61. Redacted portions of Exhibit 2823 at 2823.4 contains confidential information  
 28 about Adobe methods and strategies.

1 **Cisneros Exhibit 2825, ADOBE 019192**

2 62. Redacted portions of Exhibit 2825 contain confidential information regarding  
3 Adobe's compensation practices, policies, and strategies. This includes detailed information  
4 regarding Adobe's annual performance review process.

5 I declare under penalty of perjury under the laws of the United States that the foregoing is  
6 true and correct. Executed this 21st day of February 2014 in San Francisco, California.  
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9 By: /s/ Lin W. Kahn

10 Lin W. Kahn  
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